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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,328	03/06/2001	Peter V. Radatti	46-00	4646

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CyberSoft, Inc.,
1508 Butler Pike
Conshohocken, PA 19428-1322

EXAMINER

JACKSON, JENISE E

ART UNIT PAPER NUMBER

2131

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,328

Applicant(s)

RADATTI ET AL.

Examiner

Jenise E Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 4-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franczek et al. in view of Ji(5,983,348) and Microsoft Computer Dictionary.

3. As per claim 4, Franczek et al. discloses an apparatus of processing secure code transmitted through a communications channel(see col. 2, lines 56-67), a decryption component(see col. 11, lines 48-50); and a proscribed code scanner(see col. 11, lines 48-51), and code to the decryption component for decryption and scanning by the proscribed code scanner(see col. 11, lines 48-51). Franczek et al. does not disclose a protocol parser intercepting secure code being transmitted through the communications channel.

Ji et al. discloses protocol parser (44) intercepting secure code being transmitted through the communications channel (see fig. 2, sheet 2, col. 7, lines 29-50). It would have been obvious to one of ordinary skill at the time of the invention to combine Ji and Microsoft Dictionary with Franczek, because they disclose scanning for viruses. Although, Ji et al. discloses a protocol parser Ji et al. does not provide motivation to use a parser. The Examiner looks towards Microsoft Computer Dictionary to provide motivation. Thus, it would have been obvious to include Ji et al. and Microsoft Computer Dictionary protocol parser, with the system of Franczek et al., the motivation is that a parser breaks input into smaller chunks so that a program can act

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upon the information(see pg. 355 of Microsoft). Thus, Ji's parser breaks input into smaller chunks so that a program can act upon the information, thus in Ji the scanner(26) of Ji has a parser(44) that does this, because Ji discloses a parser that extracts the instruction sequence of the Java functions(see col. 7, lines 34-36).

4. As per claim 5, Franczek discloses encryptor, wherein the code after being processed by the proscribed code scanner, may be reencrypted by the encryptor(see col. 11, lines 44-53).

5. As per claim 6, further includes an SSL decryptor, and S/MIME are inherently disclosed because Franczek discloses encryption/decryption of packets(see col. 7, lines 45-63).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Franczek et al. in view of Ji and Microsoft Computer Dictionary, and further in view of Radatti.

7. Franczek nor Ji and Microsoft Computer Dictionary disclose S/MIME decryptor; however, Radatti discloses an S/MIME decryptor(see col. 3, lines 40-46). It would have been obvious to combine Franczek with Ji and Microsoft Computer Dictionary, because they deal with virus detection. It would have been obvious to one of ordinary skill in the art to include an S/MIME decryptor with Ji and Microsoft, because data transmissions may be encoded in a format requiring decoding prior to virus detection, such as executables or images may be compressed and/or encoded in formats such as MIME requiring the proxy server to de-compress the encoded data prior to virus detection (see col. 1, lines 40-49 of Radatti).

8. As per claim 8, rejected under the same basis as claim 4, and further Franczek discloses providing an indicator for the presence of the proscribed code(see col. 11, lines 48-53).

9. As per claim 9, Franczek discloses reencrypting the code if the indicator is negative(see col. 11, lines 44-53).

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10. As per claim 10, Franczek discloses further indicating the presence of the proscribed code if the indicator is positive(see col. 9, lines 23-33, col. 11, lines 44-53).

11. As per claim 11, Franczek discloses wherein the step of decrypting the code is preceded by the step of intercepting the code prior to decrypting the code(see col. 11, lines 44-53).

12. As per claim 12, rejected under the same basis as claim 1 and 8.

13. As per claim 13, rejected under the same basis as claim 6.

14. As per claim 14, rejected under the same basis as claim 7.

15. As per claim 15, rejected under the same basis as claim 9.

16. As per claim 16, rejected under the same basis as claim 10.

17. As per claim 17, is rejected under the same basis as claim 12.

Response To Amendment

18. The Applicant states that Ji nor Microsoft has a protocol parser element. The Applicant states that Ji has a parser but it is a Java class parser component for parsing each Java class file. The Applicant states that Ji's Java class parser component is not a protocol parser. The Examiner disagrees with the Applicant. First, Ji discloses(348') scanning applets for suspicious instructions (i.e. virus)(see col. 5, lines 5-43). Ji discloses several steps that are used to scan applets for viruses. The scanner(26) is run on the http proxy server(32), and thus, Ji does disclose a protocol, and that protocol that is used in http(see fig. 1, sheet 1). Furthermore, the scanner of Ji has many steps that it goes through before being downloaded to the client(14)(see fig. 1, sheet 1), one of these steps is the parsing, Ji discloses a parser(44) that parses each file(see col. 7, lines 34-36). Franczek also discloses screening for viruses by scanning. Franczek discloses IP protocol, TCP protocol, and FTP(see col. 7, lines 37-53). However, Franczek is not

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limited to these specific protocols as taught by Franczek that discloses the payload within the information field may be formatted in accordance with another protocol such as IP protocol. Therefore, Franczek teaches that Franczek is not limited to one particular protocol. In previous office action Ji did not disclose a motivation for using a parser although disclosing a protocol parser. Microsoft Dictionary was brought in to teach why one would be motivated or want to use a parser. According to Microsoft Dictionary, a parser breaks input into smaller chunks so that a program can act upon the information (see pg. 355). Thus, Ji's parser breaks input into smaller chunks so that a program can act upon the information, thus in Ji the scanner(26) of Ji has a parser(44) that does this, because Ji discloses a parser that extracts the instruction sequence of the Java functions(see col. 7, lines 34-36).

19. The Applicant references, related application, a non-patent literature as to the meaning of a protocol parser. The Applicant is relating other applications and prior art to interpret the protocol parser of the instant application. Claims are to be interpreted broadly in light of specification.

20. The Applicant states that Ji does disclose a parser but does not disclose a protocol parser. The Applicant states that the Examiner is correct in asserting there is a HTTP disclosed in Ji, but the Applicant states that this has nothing to do with a protocol parser. The Examiner disagrees with the Applicant. The scanner(26) is run on the http proxy server(32), and thus, Ji does disclose a protocol, and that protocol that is used in http(see fig. 1, sheet 1). Furthermore, the scanner of Ji has many steps that it goes through before being downloaded to the client(14)(see fig. 1, sheet 1), one of these steps is the parsing, Ji discloses a parser(44) that parses each file(see col. 7, lines 34-36).

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Final Action

21. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

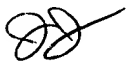
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E Jackson whose telephone number is (571) 272-3791.

The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

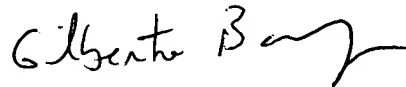
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



March 1, 2005



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